

LAND USE BOARD  
BOROUGH OF ALLENDALE  
500 West Crescent Avenue  
Allendale, New Jersey 07401

A Regular Meeting of the Allendale Land Use Board was held via teleconferencing on Go To Meeting due to the State of Emergency in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2<sup>nd</sup> Floor, Allendale, New Jersey 07401 on June 16, 2021. The meeting was called to order at 7:34 pm by Chairman Quinn who read the Open Public Meetings Act statement and stated the requirements had been satisfied.

Chairman Quinn led those present in a salute to the flag.

**ROLL CALL:**

The following individuals answered roll call:

- Board Member Bergen
- Board Member Davis
- Board Member Kistner
- Vice Chairman Sirico
- Chairman Quinn
- Alternate Yaccarino
- Alternate Forbes

**ABSENT:** Secretary Daloisio  
Board Member Lovisolo  
Councilman Sasso  
Mayor Bernstein

The following individuals were also present:

- Board Attorney Christopher C. Botta, Esq.
- Board Engineer Michael Vreeland
- Board Planner, Ed Snieckus
- Land Use Administrator, Linda Garofalo

**APPROVAL OF MINUTES**

Motion by Yaccarino, second by Davis that the Minutes of the May 17, 2021 Land Use Board Meetings were approved. There was no discussion.

On a roll call, the vote was recorded as follows: Board Member Bergen – aye, Board Member Davis – aye, Chairman Quinn – aye, Alternate Yaccarino – aye. Alternate Forbes – aye.

## **Page 2-LUB Minutes-June 16, 2021**

### **PUBLIC HEARING**

Application File No: LUB 2021-03

Applicant: Park & Ivy Properties, LLC

Address: 54 Park Avenue, Allendale, NJ 07401

Block: 1709 Lot: 7

Proposed: Build five townhouses, consisting of three stories – Preliminary Site Plan Approval, Final Site Plan Approval, Use and Bulk Variances, Variance Relief Pursuant to 40:55D-60 ©

**(carried from the meeting of May 17, 2021)**

Chris Botta stated we have received revised plans, this meeting is able to proceed.

Mr. Whitaker stated we have looked at the suggestions from the last meeting and the plans have been revised and resubmitted. The major change that was made is we are down to 5 units from 6. The height was reduced from 35 feet to 32.8 feet, the sizes of the patios has been reduced, the retaining wall will be installed and the buffer has been increased. The Affordable Housing unit #5 will be a 3 bedroom unit. The trash will be removed by a private hauler. The impervious coverage has been reduced. There is additional landscaping. The sign will be a conforming sign. We are seeking a D1 variance, a D6 height variance and a C variance for the 6 foot fence height. We are eliminating a non-conforming use. We are providing an Affordable Housing unit.

Dan LaMothe, Engineer, Lapatka Associates stated he prepared the revised plans dated June 1, 2021 consisting of 5 sheets. The colorized version was shown on the screen. The site plan is colorized; it shows the landscaping and parking lot. We reduced the number of units from 6 to 5 units. The size of the building is the same. A door has been added to the Southeast portion of the building to provide a front on Park Avenue. The side yard of the Northerly property line has gone from 16 feet to 15 feet. Evergreen arborvitae has been added to increase the buffer. The retaining wall will be replaced. The parking lot has been increased. The trash will be picked up by a private carter. A pad in the parking lot areas will be installed for the garbage container. Two parking spaces have been taken away along with one garage and driveway. An ADA accessible entrance has been added. The impervious coverage has been reduced. There will be storm water inlets around the perimeter of the property. There will be two seepage pits. The drainage system will be maintained by the owner. The lighting will be 1 pole for the parking lot located near the Park Avenue entrance. The fixture is decorative using LED lights. The amount of glare will be minimized. The pole is 12 ½ feet high. The height of the building was 39 ½ feet and is not 32.8 feet. The VanCleeef report dated June 14, 2021 has been reviewed. The items in the report will be complied with. The sign location was shown on the screen.

Mike Vreeland asked about the landscaping and proximity to the seepage pit. The storm water management system will result in a reduction of storm water runoff.

Chairman Quinn asked if these are rental units.

Mr. Whitaker stated these will be sold and individually owned.

### **Page 3-LUB Minutes-June 16, 2021**

Chairman Quinn asked for questions from the Board.

Ed Snieckus stated the Engineer indicated the setbacks have been changed. Is this true?

Mr. LaMothe stated yes.

Ed Snieckus stated recommendations have been made on the buffer and landscaping.

Mr. Whitaker stated we will comply.

Ed Snieckus stated on the Easterly property line where the wall is, what is the size between the patio and the wall?

Dan LaMothe stated 5 to 6 feet from the end of the patio to the wall. There will be a fence on top of the wall.

Ed Snieckus asked is there ability to shift (stagger) one unit for more buffering.

Dan LaMothe stated if the Architect is OK with the building staggering, this can be reversed.

Chairman Quinn asked for questions from the public.

Debby Lyon, 81 Park Avenue, Allendale asked about the height of the building requiring a variance. Also, does the Fire Department have adequate equipment to handle this height?

Mr. Whitaker stated we are proposing 32.10 inches where 35 feet is permitted.

Daniel Manning, 47 Mallison Street, Allendale asked about the height of the light at 12 feet.

Dan LaMothe stated there are no lights near your property. The rest of the lights on the property are building mounted.

Mr. Manning asked about the existing trees – there's an 80-foot maple tree, is it being taken down?

Dan LaMothe stated no, it will remain.

Nancy Green, 42 Park Avenue, Allendale asked about the sides of the property. The north side where my house is.

Dan LaMothe stated we are proposing to replace the wall with a fence on top of it and clean up the landscaping and install an evergreen buffer.

Nancy Green stated getting out of my driveway is tricky. Will there be a clear view?

Dan LaMothe stated the fence will be set back 30 feet from the curb line.

#### **Page 4-LUB Minutes-June 16, 2021**

Nancy Green asked is the building still 3 stories high?

Dan LaMothe stated yes.

Nancy Green stated there will be a loss of light to my house. This is a 30-foot tall building close to the property line.

Dan LaMothe stated it will be set back 16 feet. There will not be much of an impact to your house.

Nancy Green asked what is screening?

Dan LaMothe stated a row of evergreens and a solid 6-foot fence.

Todd Peterson, 43 Mallison Street asked if all the drainage is handled on site?

Dan LaMothe stated yes, the water will drain to the inlet.

Mr. Peterson asked what is the impervious coverage requirement?

Mr. Whitaker stated there is none.

Mr. Peterson stated there are 2 large trees between my house and the applicant's property. I'd like to see more trees as a buffer.

Mr. Whitaker stated we are taking Mr. Snieckus' comments into consideration.

Mr. Whitaker stated we will work with the Engineer on the approval of the wall and the fence.

Patrick Varelas, 62 Park Avenue, Allendale asked what will the landscaping be on the West side?

Dan LaMothe stated it will be a row of evergreens, spruce trees and shade trees and will comply with the Planner's letter.

Nancy Green stated the trees along the north side go to the 4<sup>th</sup> patio and then they stop.

Dan LaMothe stated there is a retaining wall with a fence, there's no room to walk around the patio.

Mr. Varelas asked about the buffer on the south line.

Dan LaMothe stated this area was left open for piling of snow.

Mr. Peterson asked about the shielding of the building to the north. Will there be any impact to the building to the North?

#### **Page 5-LUB Minutes-June 16, 2021**

Dan LaMothe stated the building is less than 33 feet tall and the setback separation is in excess of 30 feet. I don't see much impact.

Mr. Manning asked how high is the retaining wall?

Dan LaMothe stated approximately 3 feet at the most.

Mr. Manning asked will there be a 6-foot fence on top of the wall?

Dan LaMothe stated yes.

Mr. Peterson stated this wall will total 9 feet, will it be offensive?

Nancy Green asked can you reduce the height of the fence?

Mr. Whitaker stated this was the suggested height.

Debbie Lyon stated in order to provide landscaping behind the property, can the units be bumped forward?

Chris Botta stated this will be addressed.

Board Member Davis asked about the parking with 10 spaces in the lot and 6 designated on the street.

Dan LaMothe stated each unit has a garage space. 6 regular visitor spaces, 5 units have a driveway and a garage for parking. This is a total of 16 spaces, no street parking.

Mr. Whitaker stated he just confirmed with the owner/applicant that these will be owned units.

Jacob Solomon, Architect stated the architectural design, layout and room count has remained the same. The new front entry door was shown on the screen. A flat roof is proposed. The elevations and materials remain the same. Unit #5 is a 3-bedroom, affordable housing unit.

Chairman Quinn asked if the new door is functioning.

Mr. Solomon stated yes, it is.

Chairman Quinn asked what is the information on the roof?

Mr. Solomon stated instead of rafters starting at the plate, they are now framed at elevation and it is a flat roof.

Chairman Quinn asked if the balconies can be used.

Mr. Solomon stated no, they are not functional, just decorative.

#### **Page 6-LUB Minutes-June 16, 2021**

Ed Snieckus stated the proposed patios in the rear, are they accessed from the ground level? Can you stipulate that no decks will be added?

Mr. Solomon stated yes, the patios are accessed at ground level and we will stipulate that no decks will be added.

Ed Snieckus asked if landscaping could be added to units 4 and 5. Can you step these units?

Mr. Solomon stated this can be done.

Mike Vreeland asked if there is any exterior lighting in the rear.

Mr. Solomon stated yes, there is a porch light at the back door, only on the first floor.

Nancy Green asked do you have a rendering of the rear of the building?

Mr. Solomon stated no, but it is similar to the front.

Nancy Green stated the balconies in the back are 3 feet deep.

Mr. Solomon stated no, they are 6 inches and structurally sound to support a firefighter is needed.

Mr. Peterson asked if the units will be rented.

Mr. Whitaker stated the units will be individually owned.

Mr. Peterson asked with the footprint the same, what height does the building need to be to not result in a variance?

Mr. Whitaker stated 28 feet with a flat roof.

Board Member Bergen asked what is the height of the decorative element on the roof?

Mr. Solomon stated 36 inches.

Nancy Green asked will the air conditioning unit be on the roof or the rear of the building?

Mr. Solomon stated we will follow the Board's recommendation.

Richard Preiss, Planner was sworn in and his credentials accepted by Chris Botta. Mr. Preiss stated he reviewed the application, site plan, reports, conducted a physical inspection and reviewed the Master Plan. We are in an area where there is a mixed group of land uses. This property is in the C1 business zone. The property adjoins two residential zones. A D1 use

#### **Page 7-LUB Minutes-June 16, 2021**

variance is required and a D6 height variance. There are a number of C variances. The 9 x 8 parking spaces are compliant. The existing buildings are substandard. The D6 variance can be supported on the site. The Orchard Park condominiums are across the street. The building will not exceed the height limitation in the neighborhood. The architectural design is far more in keeping with a residential neighborhood than the current garage. I don't believe there would be a substantially negative impact. The building is compatible with the area. This proposal will not increase traffic. Emergency vehicles can be accommodated. The additional landscaping is an enhancement. This will attract long term homeowners in the area. There are no commercial uses on this block. There are a number of C variances. The fence height of 6 feet is a benefit to the neighbors. We can improve on this and eliminate the variance. A 6 inch curb is not a substantial deviation. We believe the 6 foot high vinyl fence is appropriate.

Mr. Snieckus asked Mr. Preiss about the building height and number of stories.

Mr. Preiss stated there is a relationship between setback and height.

Mr. Snieckus asked do you think the buffer is adequate?

Mr. Preiss stated yes, we defer to the Board and neighbors.

Chairman Quinn stated I'm concerned with the mass of the building on a less than ½ acre piece of property. I'm concerned with five units in a tight space.

Mr. Preiss stated 5 townhouse units translates to 10-11 units per acre. The positives and negatives need to be weighed. The zoning is outdated.

Chairman Quinn asked for questions from the Board.

Chairman Quinn asked for questions from the public.

Debby Lyon stated I'm concerned that the previous car repair tenant is presented in a negative light, never open on the weekends, he was a great neighbor.

Mr. Preiss stated a new car service business could open up there and operate more frequently.

Debby Lyon stated when I moved in, Orchard Park was just being developed. Since then we have had so much development in this area. Why isn't there development in other parts of the Borough?

Mr. Preiss stated the applicant is permitted to make this application. This applicant stands on its own merits.

Nancy Green stated this space was not a service station, there was no gas. Was it ever a gas station, any tanks underground?

Mr. Preiss stated I don't know if gas was ever provided.

#### **Page 8-LUB Minutes-June 16, 2021**

Nancy Green asked has the soil been tested?

Mr. Botta stated this is not a question for this witness.

Mr. Peterson asked if this proposal went to 4 units, two stories, would this be conforming?

Mr. Preiss stated no, because multi-family homes are not permitted.

Mr. Peterson asked about emergency vehicle access.

Mr. Whitaker stated the Fire Department has not responded.

Chairman Quinn asked for questions from the public.

Chairman Quinn opened it up to comments from the public.



Mr. Peterson, 43 Mallison Street, Allendale was sworn in and stated I am OK with the change of the current use. Something (underground tanks?) was removed from the property. A machine shop was there at one time. I appreciate the fact that the height has been lowered. I don't understand why we need 5 units on ½ acre. My property value is going to be reduced. I'd appreciate more trees and a lower building.

Mr. Whitaker stated I received a communication from the applicant and he stated he is willing to intensify the landscaping. The Board can make this a condition of approval and we will meet with the neighbors on this.

Mr. Botta stated landscaping adjustments can be made in the field and can be a condition of approval.

Chairman Quinn stated the fence should also be a condition of approval.

Mr. Whitaker stated we agree to this.

Daniel Manning, 47 Mallison Street, Allendale was sworn in and stated you are requesting a lot of variances. The neighbors do not feel this fits in with the neighborhood.

Mr. Whitaker stated an auto repair shop doesn't blend into the neighborhood. The burden of proof needs to be provided.

Mr. Manning stated we've had neighborhood meetings and we'd be open to two two-family homes.

Debby Lyon stated I've been here for 27 years. We've seen a lot of changes. This is not appropriate for this neighborhood.

Steven Sherry, 83 Park Avenue, Allendale was sworn in and stated he moved here for more room and is opposed to the application, along with his neighbors.

#### **Page 9-LUB Minutes-June 16, 2021**

Nancy Green, 42 Park Avenue, Allendale was sworn in and stated I appreciate the efforts that the developer has made so far to satisfy our concerns. The project is overwhelming to the site. This feels massive to the site.

Mr. Manning asked if a Traffic Impact study has been done.

Chairman Quinn stated we are not aware of any.

Chairman Quinn asked if the Board had any comments.

Board Member Davis stated I understand the D variance but I'm having a problem with the height and size of the structure.

Alternate Yaccarino stated I agree with Board Member Davis on the height and size. This is an improvement over the current use.

Mr. Whitaker stated he'd like to make his summation and vote at the July 21, 2021 Land Use Board Meeting.

Chris Botta stated JDR Property, the applicant for the subdivision, has submitted a plan to the Construction Code Official. If accepted, it would be my understanding that, they would withdraw their application this was to be represented at the July meeting.

Chairman Quinn stated this application is carried to the meeting of July 21, 2021.

**OPEN TO THE PUBLIC FOR COMMENT:**

**ADJOURNMENT:**

On a motion by Yaccarino, second by Kistner, with all members present voting in favor, the meeting was adjourned at 10:37 pm.

Respectfully submitted,

*Linda Garofalo*

Linda Garofalo